[ARCHERS]

584 62 [581] Marriage is certainly an economic factor of the greatest importance to the band, and the decision of the elders usually prevails. But according to Schebesta, if there is particularly ardent affection between an unmarried couple, they may be strong enough to resist group opinion even to the point of ignoring its just claims, in which case a compromise will be reached by the bands concerned. Although there may be preferences for marriage between certain bands, no marriage is arranged with disregard for individual inclinations. Each union is usually preceded by a period of flirtation and courtship.

613 52 832 The rule of exogamy bars any flirtation within a hunting band that consists of a single lineage. If the band consists of two lineages, there may be flirtation but controlled by the parents, the mother keeping an eye on her daughter, and the fathers or lineage heads watching over the boys. Schebesta believes that [836] in spite of such supervision there is, in fact, great premarital freedom, though always outside the bounds of exogamic prohibition. For [684] the Efe, he records what appears to be a borrowed custom of making payments to the father [177] of the girl, or to her mother, either for the privilege of having an affair with their daughter or as a penalty for being discovered.[1]

[839] [838] Masturbation (*ai ofuni*), homosexuality (*ai bopa*), and adultery are known among the archers, but rarely. Lesbians (*dora bopa*) are unknown. Mbuti who practice such behavior are regarded by men with derision; women have a particular horror of homosexuals.

[P. 180 - B]

1: Turnbull E-4. 5 (1951-1955) 1965 FO4 Pygmies FO4
Mbuti

[NET HUNTERS]

In the absence of any "elder," it is difficult at first to understand the legal system and how it functions. From the examples cited, however, it appears that one of the first rights of every Mbuti is the right of self help, but because of the nature of the band in which he lives it is unlikely that any serious dispute will remain restricted to the original participants and left to them to settle. Such can happen, and has, but usually the dispute is widened, involving more and more of the others and, finally, the whole band itself, until a settlement is reached. 627 508

Thus in a case of incest between members of the same lineage, the first act on the part of the girl's family was to pursue the boy, threatening him with knives and spears and driving him from the camp. There, they said, he could die. He would get no shelter and no food. Returning from this chase, they promptly tore down the house of the boy's "father" (actually his father's brother, with whom the boy was staying). As far as the offended family were concerned, the matter was finished, but the "father" thought otherwise and threatened to take counteraction. At this point, while the womenfolk on the girl's side were making the usual demonstrations of grief (throwing themselves on the ground and beating themselves) and the men on both sides were brandishing spears, knives, and bows and arrows, the dispute degenerated into the practical consideration of where the houseless "father" was 627 684 [52]

[P. 230-D]

1: Turnbull E-4. 5 (1951-1955) 1965 FO4 Pygmies FO4
Mbuti

[NET HUNTERS]

[P.231-A]

627 to sleep and how he was to rebuild his house.
• 684 His wife, who would normally have undertaken this task, was sick. He was offered hospitality for the remainder of the night by other relatives, and early in the morning the offended family were themselves assisting him to rebuild his hut. During this dispute no mention was made of the fate of the transgressor.

621 This particular band was composed of two
627 major segments. The dispute was confined to
684 one segment and almost exclusively, though not quite, to the two families concerned. Other
[613] members of that lineage came forward only to appease and compromise.

The other segment, separated by a few hundred feet (the band was in the process of fission), listened eagerly to the dispute, making comments among themselves, mainly to the effect that the boy was a fool to have allowed himself to be found out and deserved to be beaten. When the pursuit of the boy led through their part of the camp, they hid. The older men carefully shut themselves up and refused to take any part in the proceeding.

[NET HUNTERS]

621 Younger men, regardless of family or lineage
627 ties, brought food to the transgressor, who
684 stayed outside the camp for two days. His reappearance on the third day caused no excitement on either side. This must not be taken as a full account of the incident. Undoubtedly a great deal is not known about how the settlement was effected, but it is useful to show with what informality a serious transgression can be dealt with.

571 The intimate nature of a Pygmy camp is stressed by Putnam. Even in the middle of the night, when people are inside their huts, a conversation at one end of the camp can be clearly
578 heard at the opposite end. Thus, even a matri-
627 monial squabble may well become enlarged until it involves the entire band. Matrimonial
[593] disagreements and allegations of flirtation and of selfishness or dishonesty in the division of
[626] the meat are frequent causes for dispute. Disputes may be resolved entirely by self help, which may involve a fight or a beating, by public abuse or ridicule during the group dis-
578 cussion, by ostracism, or exile. The group dis-
626 cussion, mainly among men but with comments
562 hurled at them by their wives, is the main regulatory mechanism. Both Schebesta and Putnam agreed that the part played by the women, who do not participate directly in these

[P 231-B]

1: Turnbull E-4. 5 (1951-1955) 1965 FO4 Pygmies FO4
Mbuti

[NET HUNTERS]

[p. 231-C]

gatherings of the men but sit outside their huts, listening and making loud comments, is not insignificant. In the early stages of a dispute among the net hunters, a woman may take a leading part on behalf of whichever member of her family is involved, but not when the dispute becomes the topic of these evening discussions.

Apart from the driving of the incestuous youth from the camp, there is no record of even temporary forcible exile from an Mbuti band. Individuals who offend the group are, however, ostracized and induced to go elsewhere.

Whatever the dispute, and at whatever level it takes place, the entire band is concerned in its settlement. If it is settled in its early stages, it may be assumed that it is with the approval of all. As long as a single voice is raised in disagreement, the dispute continues. Even over a question of hunting, or of moving camp, it may take several days, says Putnam, to reach a decision.

2: Turnbull E-5 (1951-1958) 1965 FO4 Pygmies FO4
Mbuti

Closer to an indigenous system of punishment is the morning rampage of the youths' section of the *molimo* society. Disguised behind leafy branches they charge through the camp with the *molimo* trumpet on their shoulders, and attack the huts of any truly recalcitrant offenders. Even then, as a token of the responsibility of the entire camp, the youths attack *every* hut to some extent, taking a token leaf from every hut. And still in keeping with the notion of dissipating the blame, they are likely to give the worst beating to the hut of the disputant who is least to blame.

There are two threats that form the ultimate sanctions against the most serious offenses. One is the threat of ostracism, for such crimes as incest, and this is spoken of as leaving the matter to the forest. Ostracism means refusing membership in the band. If one band does this, other bands are likely to follow suit, and the offender will be left alone in the forest, and alone he will die. The other threat is the direct threat of death, but this is reserved among the Epulu Mbuti and other net-hunting bands uniquely for the crime of failure on the part of an adult male to sing (a crime sometimes conversely described as sleeping) during the *molimo* festival. The sacred singing takes place late at night, and its efficacy depends on participation of all the men and youths. It is said that anyone found sleeping (the only conceivable reason for not singing) would be killed with two spears in the stomach and buried beneath the *molimo* hearth. The women would simply be told he had gone away, or been taken by a leopard, and he would never be referred to again.

The different ways of dealing with a dispute depend so much upon the context rather than upon the precise nature of the dispute that the legal process can best be illustrated by citing a number of cases. It will immediately be apparent that in the vast majority of instances there was no visible conclusion to the disputes at all; they evaporated as quickly as they arose. There were few instances where anything resembling a general opinion was expressed, and even fewer where any positive action was taken. The cases that follow, then, are classified according to the most common causes of dispute. Of such causes food and sex are by far the most common. Territorial disputes are confined to married couples with different territorial affiliations, but whereas food disputes are also largely found among the young (married) hunters, they are by no means always marital, but often between unrelated hunters or their wives, and occasionally among youths. Disputes concerning sex involve both the young married couples and youths, as do the everyday disputes over apparently

participate, but only after the entire camp had been involved in discussing the case. Less serious offenses were settled in the simplest way, by the litigants themselves either arguing out the case, or engaging in a mild fight.

I came across only one instance of the first type of crime. We had all eaten in the evening and were sitting around our fires. It was with Kenge and a group of the bachelors, talking about something quite trivial, when all of a sudden there was a tremendous wailing and crying from Cephu's camp. A few seconds later there was shouting from the path connecting the two camps and young Kelemoke came rushing through our camp, hotly pursued by other youths who were armed with spears and knives. Everyone ran into the huts and closed the little doorways. The bachelors, however, instead of going in with their families, ran to the nearest trees and climbed up into the lower branches. I followed Kenge up one of the smaller trees and sat among the ants, whose persistent biting I hardly noticed. What was going on below took all my attention.

Kelemoke tried to take refuge in a hut, but he was turned away with angry remarks, and a burning log was thrown after him. Masisi yelled at him to run to the forest. His pursuers were nearly on top of him when they all disappeared at the far end of the camp.

At this point three girls came running out of Cephu's camp, right into the middle of our clearing. They also carried knives—the little paring knives they used for cutting vines and for peeling and shredding roots. They were not only shouting curses against Kelemoke and his immediate family, but they were weeping, with tears streaming down their faces. When they did not find Kelemoke, one of them threw her knife into the ground and started beating herself with her fists, shouting over and over again, "He has killed me, he has killed me!" After a pause for breath she added, "I shall never be able to live again!" Kenge made a caustic comment on the logic of the statement, from the safety of his branch, and immediately the girls turned

3: Turnbull E-5 (1951-1958) 1962 FO4 Pygmies FO4
Mbuti

684 835 [152] their attention to our tree and began to threaten us. They called us all manner of names, and then they fell on the ground and rolled over and over, beating themselves, tearing their hair, and wailing loudly.

Just then there came more shouts from two directions. One set was from the youths who had evidently found Kelemoke hiding just outside the camp. At this the girls leaped up and, brandishing their knives, set off to join the pursuit. The other shouts, for the first time from adult men and women, came from the camp of Cephu. I could not make out what they were about, but I could see the glow of flames.

I asked Kenge what had happened. He looked very grave now and said that it was the greatest shame that could befall a Pygmy—Kelemoke had committed incest. In some African tribes it is actually preferred that cousins should marry each other, but among the Ba-Mbuti this was considered almost as incestuous as sleeping with a brother or sister. I asked Kenge if they would kill Kelemoke if they found him, but Kenge said they would not find him.

684 835 627 [153] "He has been driven to the forest," he said, "and he will have to live there alone. Nobody will accept him into their group after what he has done. And he will die, because one cannot live alone in the forest. The forest will kill him. And if it does not kill him he will die of leprosy." Then, in typical Pygmy fashion, he burst into smothered laughter, clapped his hands and said, "He has been doing it for months; he must have been very stupid to let himself be caught. No wonder they chased him into the forest." To Kenge, evidently, the greater crime was Kelemoke's stupidity in being found out.

All the doors to the huts still remained tight shut. Njobo and Moke had both been called on by the youths to show themselves and settle the matter, but they had both refused to leave their huts, leaving Kelemoke to his fate. Now there was an even greater uproar over in Cephu's camp, and Kenge and I decided to climb down from the tree and see what was going on.

THE GIVER OF THE LAW

One of the huts was in flames, and people were standing all around, either crying or shouting. There was a lot of struggling going on among a small group of men, and women were brandishing fists in each other's faces. We decided to go back to the main camp, which by then was filled with clusters of men and women standing about discussing the affair. Not long afterward a contingent from Cephu's group came over. They swore at the children, who, delighted by the whole thing, were imitating the epic flight and pursuit of Kelemoke. The adults, in no joking frame of mind, sat down to have a discussion. But the talking did not center around Kelemoke's act so much as around the burning of the hut. Almost everyone seemed to dismiss the act of incest. One of Kelemoke's uncles, Masalito, with whom he had been staying since his father died, had great tears rolling down his cheeks. He said, "Kelemoke only did what any youth would do, and he has been caught and driven to the forest. The forest will kill him. That is finished. But my own brother has burned down my hut and I have nowhere to sleep. I shall be cold. And what if it rains? I shall die of cold and rain at the hands of my brother."

The brother, Aberi, instead of taking up the point that Kelemoke had dishonored his daughter, made a feeble protestation that he had been insulted. Kelemoke should have taken more care. And Masalito should have taught him better. This started the argument off on different lines, and both families quarreled bitterly, accusing each other for more than an hour. Then the elders began to yawn and say they were tired; they wanted to go to sleep; we would settle it the next day.

For a long time that night the camp was alive with whispered remarks, and not a few rude jokes were thrown about from one hut to another. The next day I went over to Cephu's camp and found the girl's mother busy helping to rebuild Masalito's hut; the two men were sitting down and talking as though nothing much had happened.

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835 684 happened. All the youths told me not to worry about Kelemoke, that they were secretly bringing him food in the forest, he was not far away.

835 684 626 Three days later, when the hunt returned in the late afternoon, Kelemoke came wandering idly into the camp behind them, as though he too had been hunting. He looked around cautiously, but nobody said a word or even looked at him. If they ignored him, at least they did not curse him. He came over to the bachelor's fire and sat down. For several minutes the conversation continued as though he were not there. I saw his face twitching, but he was too proud to speak first. Then a small child was sent over by her mother with a bowl of food, which she put in Kelemoke's hands and gave him a shy, friendly smile.

[554] Kelemoke never flirted with his cousin again, and now, five years later, he is happily married and has two fine children. He does not have leprosy, and he is one of the best liked and most respected of the hunters.

626 I have never heard of anyone being completely ostracized, but the threat is always there, and is usually sufficient to insure good behavior. The two attitudes which disturb the Pygmy most are contempt and ridicule. Contempt is most effectively shown by ignoring someone, even if he comes and sits at the same fire. But it is difficult to maintain for long because hunters cannot afford to ignore a fellow hunter. So ostracism of this kind is infrequent and does not last. Almost as effective, and of much longer duration, is ridicule. The [157] [181] [522] BaMbuti are good-natured people with an irresistible sense of humor; they are always making jokes about one another, even about themselves, but their humor can be turned into an instrument of punishment when they choose.

593 578 Such a case was a great fight between the same two brothers who had fallen out over Kelemoke's misdemeanors, Aberi and Masalito.